

Ms. Thomas,

March 1, 2009

I am in receipt of the Feb. 2009 'Soils Management Handbook' pertaining to OU-1 2, and 4 (The Export Plant) and wish to comment.

First, a little history since EPA seems unable to keep anyone on this project long enough to become informed on the issues. This document is a revision of the Oct. 2007 O&M Plan drafted by the O&M workgroup over the course of the last four or five years. Both the CAG and TAG in Libby opposed the formation of this O&M workgroup.

There were two primary reasons for their opposition. First, O&M is a process that comes after the RI/FS process, after the Proposed Plan, after the ROD, after the Remedial Design, after the Remedial Action. Without foreknowledge of the nature of those six actions, this document is nonsense. TAG and CAG saw no reason to begin this exercise.

The second point of contention was the involvement of Healthy Communities Initiative personnel in the construction of this fiction. HCI is an organization known for circumventing public involvement. O&M meetings were held at a time when they could ensure the public would be least likely to attend. They were not publicized. They did not submit this to TAG or CAG for public review. All methods of unethical action designed by HCI to avoid the public.

The Oct. 2007 document was 45 pages with provisions for another 45. Your ten page 'Soils Management Handbook' was cranked out in a few days prior to being delivered to the Libby City Council with no public involvement. Obviously, you saw the flaws in the work of your predecessors and took steps to correct this document. It is my opinion that it can only be corrected by starting over with full public involvement. Scrap this entire fiasco, admit that it was designed to fool the public, and take steps to restore EPA credibility in Libby.

If you insist of moving ahead with this draft, I respectfully request that you address the flaws left in it. I will delineate some of the most obvious in this letter, but cannot address them all without face to face interaction with EPA personnel. EPA has withdrawn from TAG and CAG and other civic organizations precisely to avoid this face to face interaction. It is a tactic of deception that further harms your credibility.

On the front page of your 'Soils Management Handbook' (SMH) you mention it is predicated on "residual waste". Paul Peronard told the Libby City Council in July, 2000 that EPA would force WR Grace to remove all contamination. The 'Work Plan' and 'Unilateral Administrative Order' both use language specifically calling for the removal of all "visible vermiculite". The City of Libby turned down a \$2 Million offer from WR Grace for the sale of this site on the word of Paul Peronard that he would deliver a clean site. Paul said he would not let Grace simply 'cap' this site because that would leave all sorts of problems for the City of Libby. A cap would necessitate the enacting of ordinances, resolutions, institutional controls, deed restrictions, O&M restrictions that would destroy the value of this property. Any mention of residual waste must be struck from this document. The City of Libby never accepted a cap of this site so all language pertaining to cover and cap must be removed.

Section 1, paragraph one, states that the City of Libby has worked with EPA, DEQ and HCI in producing this Handbook. I have found no City personnel who will admit to working on something that will have such a detrimental effect on the rights of our citizenry. I attended the most recent O&M meeting and stressed to all in attendance that I was there as a spectator only, I refused to participate in a flawed process. The O&M minutes state that I participated. That is the type of dishonest action CAG and TAG expected to come out of HCI involvement. Please strike any mention of the City of Libby working on this document.

Section 2 shows precisely why the City of Libby would be foolish to accept responsibility for this document when it states that "additional contamination may have been introduced to OU-1 (2 and 4) through street sweeping, dumping of cleared snow, utility repair, and other excavation activities". HCI attempts to blame the City of Libby for recontamination of this site with this language. The truth is much more complex. This site has been recontaminated by the 1200 holes augured into the existing work by EPA personnel. This testing procedure brought vermiculite to the surface and resulted in EPA requesting that City personnel refrain from maintaining weed control on the site. EPA cross contamination has rendered the site unusable for the City and HCI wants the City to take that liability. There is further evidence that this site has been used by ER, EPA's contractor, to dump waste in an attempt to maximize their profits by being paid to clean up this "planted material". CAG members recently addressed this criminal action in their Feb. 2009 meeting but couldn't resolve the issue without face to face interaction with EPA personnel. EPA credibility is an almost constant issue here.

Section 3 is the most contentious section ~~for the City of Libby~~. This section lays out the argument where EPA will ask local government to enact Ordinances and Resolutions restricting the future use of this property. This will set precedence for laws that will restrict the use of every property in this county that has undergone "cleanup". Virtually every property that EPA has "cleaned" is left with documented residual waste. The City leaders would be run out of this town on a rail, tarred and feathered, if they encumbered their neighbors with something so draconian. The City of Libby never accepted a partial cleanup at OU-1, 2, and 4. When the City of Libby turned down \$2 Million from Grace it was with the assurance of Paul Peronard that the Export Plant would be cleaned. If the site is actually cleaned when we get to the R/VFS and Proposed Plan stage there will be no need to include any parts of Section 3.

Section 4 is a joke, right? There can be no protection of human health without a qualitative risk assessment using toxicity studies specific to Libby Amphibole. The City of Libby has a huge responsibility to protect their workers. Section 4 doesn't even scratch the surface of the issue of EPA's responsibility to work with the City. Issuing a document with language so superficial is another method of withholding pertinent information.

The SMH isn't worth the paper it is printed on and should be summarily rejected. Until EPA actually decides to work with the City, openly, the City is in danger of something like this actually getting into the public record. Sincerely DC Orr, CAG member